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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,680	12/03/2001	Michael Wayne Brown	AUS920010945US1	9585
43307	7590	04/22/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			UBILES, MARIE C	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/005,680	BROWN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Marie C. Ubiles	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4-9 and 11-35 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 4-9 and 11-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's Appeal Brief filed on February 7, 2005 has been entered. Claims 1-2, 4-9 and 11-35 are still pending in this application, with claims 1, 8, 15, 19, 25 and 31 being independent.

### ***Response to Arguments***

2. In view of the Appeal Brief filed on February 7, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 4, 8-9, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,738,473) in view of Ben-Chanoch (US 6,707,906).

As for claim 1, Burg et al. discloses a method for publishing call queue characteristics (See Abstract, lines 8-11). While not directly disclosed, it is inherent in Burg's et al. system the monitoring a plurality of characteristics of a hold system (as

read on providing information such as, *wait time estimate* and *queue length including place in queue*, based on a caller's request)(See Col. 5, lines 43-48).

As per the limitation in claim 1 regarding "responsive to a selection by a caller currently waiting within said on hold system of a particular format from a menu of a plurality of available formats for publishing said plurality of characteristics to said caller in said particular format"; Burg et al. teaches the following:

"If the request [made by the caller] is a wait time estimate, for example, the system may provide an estimate of the approximate time of waiting until the call may be answered. [...] An example of a status message would be "Your call will be served in 5 minutes". The signaling gateway 460 may prepare a reply packet to the ISP 450 and computer 400 which may include a web page, audio announcement, pop-up window, etc." (See Col. 5, lines 53-56 and 60-65).

It can be seen that Burg et al. disclose "responsive to a selection by a caller currently waiting within said on hold system" (may be read on the request made by the caller for a wait time estimate).

In regards to the claimed "...of a particular format from a menu of a plurality of available formats for publishing said plurality of characteristics to said caller in said particular format", Ben-Chanoch teaches the following "...the customer may request that the contact be changed to a different media or time. (e.g. Please contact me by telephone number instead). Thus if the customer sees the message from the contact center on the screen, he may respond by overriding the chosen form of communication and requesting a different form of contact. This would be particularly useful if the user is

online while traveling" (See Col. 3, lines 26-31). Further, Ben-Chanoch teaches that the user may click on various media types (See Col. 2, lines 52-57).

It would have been obvious to one of ordinary skill in the art to modify Burg et al. as per the teachings of Ben-Chanoch, and thus allow a caller to choose from among different ways (e.g. web page, audio announcement, pop-up window) for the display of a reply packet to his or her request regarding wait times. This option to choose from among different ways of information display would have been obvious if –for example– the customer is calling from phone 410 (See Fig. 4 of Burg et al.), as the obvious choice will be for the caller to receive an audio announcement based on his or her request or, as Ben-Chanoch taught, if the customer is online while traveling.

As for claim 2, Burg et al. discloses monitoring at least one from among a current activity status of said on hold system (or *queue length including place in the queue*), and an estimated activity status of said on hold system (or *wait time estimate*) of at least one current caller on hold within said on hold system (See Fig. 3, Steps 300-305 and Col. 5, lines 43-48).

As for claim 4, Burg et al. discloses publishing said particular format as voice (or audio announcement) or graphical format (or web page/ pop-up window).

Claims 8 and 15 are rejected for the same reasons as claim 1.

Claim 9 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 4.

5. Claims 5 and 7, 12, 14, 16, 18-21, 25-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,738,473) in view of Ben-Chanoch (US 6,707,906), and further in view of Coussement (US 2002/0055967).

The combination of Burg et al. and Ben-Chanoch teach the system as claimed except for "transferring said plurality of characteristics in said particular format to an interface specified by said caller" and "filtering a preferred selection from among said plurality of characteristics according to output preferences for said caller".

As for claim 5, Coussement teaches a user utilizing a PC (i.e. interface) with an instance of software Customer Presence Software 10, which is adapted to integrate communication-center status information into a customer's electronic interface served upon customer's request (See Description of the Preferred Embodiments, P. 0051, lines 1-8).

As for claim 7, Coussement teaches Web Presence Software (WPS 16) enhanced with a filtering capability of filtering status information that closely matches a user request (or *output preferences for said caller*)(See Description of the Preferred Embodiments, P. 0061, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the combination of Burg et al. and Ben-Chanoch, as per the teachings of Coussement; and thus in this manner provide a system that will save phone costs for customers (or callers) as well as reducing utilization requirements of communication center interface technologies.

Claims 12, 16, 19-20, 25-26 and 31 are rejected for the same reasons as claim 5, further, regarding the limitation specifying, "...through a telephony based communication", Burg et al. teaches that the system may be implemented on PSTN or VoIP (See Col. 2, lines 47-49).

Claims 14, 18, 21, 27 and 32 are rejected for the same reasons as claim 7.

6. Claim 6, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,738,473) in view of Ben-Chanoch (US 6,707,906), and further in view of Ginsberg (US 6,064,730).

The combination of Burg et al. and Ben-Chanoch teach the system as claimed except for "monitoring an expected subject matter selection of a plurality of calls currently on hold within said on hold system".

Ginsberg teaches "Furthermore, as shown in FIG. 4, the agent's skills will be displayed in display field 168, such that a customer only concerned with red widgets, for example, will know to contact agent 165a and wait on the queue 171 associated with the virtual room 161. Likewise, a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available. Thus, a customer calling in to the call-center, will see that particular room is manned and may make contact accordingly." (See Detailed Description, Col. 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Burg et al. and Ben-Chanoch by adding the step of monitoring an expected subject matter selection of a plurality of calls currently on hold within said hold system (as read on “*a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available*”), thus in this manner allowing a caller (or customer) to be better informed about the waiting time for a particular service (or subject matter) in the agent’s skill area.

Claims 13 and 17 are rejected for the same reasons as claim 6.

7. Claims 22-24, 28-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,738,473) in view of Ben-Chanoch (US 6,707,906) and in view of Coussement (US2002/0055967) as applied to claims 5 and 7, 12, 14, 16, 18-21, 25-27 and 31-32 above, and further in view of Petrovych (US2002/0055975).

As for claim 22-24, the combination of Burg et al., Ben-Chanoch and Coussement teach the invention as claimed, except for the step of outputting a call tracking number and network address to said caller, and responsive to detection of said calling tracking number entered through a caller accessible interface accessing said network address, transferring said plurality of characteristics to said caller accessible interface; the step of receiving a caller account identifier as said particular interface, and transferring said plurality of characteristics via a network in an electronic mail to an

account server serving said caller account identifier; and the step of receiving a caller messaging identifier as said particular interface; and transferring said plurality of characteristics in an instant message to said caller messaging identifier via a network.

Petrovych teaches "In one aspect of the method in step (a), client connection comprises a network appliance having instant messaging capability operationally coupled to the network. In one embodiment, the network appliance is a computer. In one aspect of the method in step (c), the instant message server optionally re-directs the client to the proxy server and relinquishes communication hosting. In one aspect of the method in step (d), the interaction results in at least client identification, version identification of instant message software used by the client, and a reason for requesting communication with a customer service representative. [...] In one aspect of the system, client-status information is obtained using a single protocol, such as ICQ.TM.. In another aspect of the system, partial client-status information is obtained using multiple protocols, such as ICQ.TM. and MSN Messenger Service.TM., and combined to provide complete client-status information to the subscribing agent. In one aspect of the system, client-status information is obtained via a single network, such as the Internet network. In another aspect of the system, partial client-status information is obtained via multiple networks, such as the Internet network and the cellular network, and combined to provide complete client-status information to the subscribing agent. [...] In addition to the above, element 139 is for viewing the status of individual agents as personal account managers, allowing a user to monitor calls holding for the agent, estimated hold time, and to submit a call-back request. Element

141 allows the user to initiate a variety of formats, as indicated. As can be seen in this example, interface 125 covers all of the functionality described in the embodiments introduced by FIGS. 1 and 4 above. ...every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number). In this way, data obtained and stored from internal and external sources is easily identifiable to a particular client. In addition, passwords and log-in requirements may be instituted depending on enterprise rules. Much profile information about clients may be automatically compiled using on-going historical data resulting from ongoing relationships with clients. Such data, if available, may automatically appear in the described Add/Edit Information section of interface 125 when first created. It is important to note herein that the data categories 127, 129, 131, and 133 may be populated using automatic interaction recording methods during communication center interaction events. Referring now to personal data category 127, this information is illustrated herein as divided into various basic subcategories. These subcategories are listed from top to bottom as: login name, password, address, and age, marital status, etc. Each category may be further divided into more subcategories as deemed appropriate. As data is automatically compiled about a client over time, the client's profile becomes more and more accurate. Interface 125 enables a client to manually add or edit information at any time. " (See Summary of the Invention, P. 0037 and Description of the Preferred Embodiments, P. 0095 and 0165-0167).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Burg et al., Ben-Chanoch and

Couissement by adding the use of a member ID number (i.e. call tracking number), a login name (i.e. call account identifier), and the use of version identification of instant message software used by the client (i.e. caller messaging identifier) in order to transfer client-status information (i.e. plurality of characteristics) to an interface (or PC) used by the client (or caller); as taught by Petrovych, and thus in this manner allow better routing of calls, faster delivery of calls and associated information, and improved service with regard to client satisfaction.

As previously presented on Office Action mailed 3/34/2004, the Examiner takes Official Notice that while not directly expressed on Petrovych, it is inherent that in order to route the caller requested information to PC (i.e. caller accessible interface), a network address (in this case an IP) is needed; and that when using MSN Messenger Service.TM, the caller can receive the requested information (i.e. plurality of characteristics) on an e-mail account under which the MSN Messenger Service.TM was registered.

Claims 28-30 and 33-35 are rejected for the same reasons as claims 22-24.

***Claims Read on Well-Known System***

8. Claims 1, 8 and 15 are rejected because they simply read on an old and well-known call center that offers a caller an option to select a particular format (i.e. language) from a menu. That is, the caller may, for example, select Spanish, English or French. The call that is answered by an Automated Voice Response Unit (VRU) is already presumed to be on hold (i.e. call is not connected to an agent, yet). Once the

caller selects a language ("format"), the information about the queue (such as waiting time) will be provided in that particular language.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 4-6, 8, 11-13, 15, 19-20, 23-26, 29-31 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (571)272-7491. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
April 15, 2004.

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